



[274] Atty Dkt: 02-090-Z (NEU-02-090-Z)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bakthavatchalam et al.  
Appl. No. : 10/799,286  
Filed : March 12, 2004  
For : CAPSAICIN RECEPTOR LIGANDS  
Examiner : K. Weddington  
Group : 1614

**RESPONSE**

**I. Introduction**

This is in response to the Office Action dated May 1, 2006.

Submitted herewith is a petition under 37 CFR §1.136 and the required fee requesting a one month extension in which to file this response. With the extension, this response is due on September 1, 2006. No further extension of time is believed to be necessary for the filing of this paper, but if such an extension of time is required, applicants request that this be considered a petition therefor. The Director is hereby authorized to charge any fees which may be required for such an extension to Deposit Account No. 11-1158.

**II. The Double Patenting Rejection**

In the May 1st Office Action, the Examiner entered provisional, obviousness-type, double patenting rejections based on co-pending applications Serial Nos. 10/891,832 and 10/539,031.

Submitted herewith is a terminal disclaimer directed to these applications. This terminal disclaimer is being made without prejudice and its sole purpose is to obviate the double patent rejections made by the Examiner. See MPEP §804.02. Pursuant to the holding in, for example, Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991), this terminal disclaimer is not to be construed in any way as an obviousness admission with regard to any of the